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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

## SAN FRANCISCO DIVISION

On July 9, 2008, the parties met and conferred regarding trial in the upcoming matter. The United States hereby sets forth the parties' joint position on the following matters, as required by Local Rule 17.1.1:

(1) **Disclosure of Statements and Reports;** the United States has submitted all prior statements and reports of the testifying witnesses that it is currently aware of. The United States is checking to see if any witness or law enforcement officer wrote any reports or issued any statements in connection with this case. As to the defense witnesses, at this time defendant is not aware of any prior statements made by any witness he plans to call in his case-in-chief. The United States has made expert witness disclosures in its Witness List, which is being filed contemporaneously with this Pretrial Conference Statement.

1           The defense has not noticed any expert witnesses.

2           (2) **Grand Jury Testimony:** As this case is a misdemeanor, grand jury testimony is not an  
3           issue.

4           (3) **Disclosure of Exculpatory Evidence:** Both parties attest that they have, and will  
5           continue to comply with *Brady*, *Giglio* and *Agurs*.

6           (4) **Stipulations:** Thus far the parties have not entered into any stipulations.

7           (5) **Interpreters:** Interpreters are not an issue.

8           (6) **Dismissal of Counts:** The United States intends to proceed on all three counts of the  
9           Information. Defendant has not noticed any Rule 12 defenses.

10           (7) **Joinder:** Joinder is not an issue.

11           (8) **Identification of Informers, Etc:** Not at issue.

12           (9) **Pretrial Exchange of Witness Lists:** The government has noticed five potential  
13           witnesses. The defense has not noticed any witnesses at this time, although defense has  
14           not ruled out calling the defendant to testify. The defense may want to notice the  
15           defendant as a potential witness at a later date.

16           (10)          **Pretrial Exchange of Documents and Exhibits:** Both parties have agreed to  
17           provide advance copies of any photographs or documents it intends to introduce  
18           as exhibits at trial to opposing counsel. Both parties have also agreed to allow  
19           opposing counsel to view any physical evidence prior to trial. At this time the  
20           United States intends to offer two exhibits, which are both primarily  
21           demonstrative aids. The first exhibit is a map of the location where the  
22           defendant's car was located on Battery Caulfield road (*See* attached Exhibit A)  
23           and the second is a photograph of the location where the defendant's car was  
24           located on Battery Caulfield Road (*See* attached Exhibit B).

25           (11)          **Resolution of Objections to Exhibits:** At this time defendant has no current  
26           objections. Parties reserve the right to raise objections to any exhibits noticed at a  
27           later date.

28           (12)          **Controverted Points of Law Likely to Arise at Trial:** At this time, the parties

are not aware of controverted points of law between them.

(13) **Scheduling of the Trial:** Trial is scheduled to begin July 29, 2008, at 9:00 a.m.

The parties do not anticipate the trial taking more than one-half of one day.

(14) **Voir Dire and Jury Instructions:** As this will be a bench trial, there is no proposed voir dire or jury instructions.

(15) **Additional Matters:** None known to either party at this time.

Respectfully submitted,

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United States Attorney



